

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

JOSEPH PERCOCO, a/k/a "Herb,"
ALAIN KALOYEROS, a/k/a "Dr. K.,"
PETER GALBRAITH KELLY, JR., a/k/a "Braith,"
STEVEN AIELLO,
JOSEPH GERARDI,
LOUIS CIMINELLI,
MICHAEL LAIPPLE, and
KEVIN SCHULER,

Defendants.

No. S1 16 Cr. 776 (VEC)

**JOINT NOTICE OF MOTIONS AND MOTIONS OF DEFENDANTS JOSEPH
GERARDI AND STEVEN AIELLO FOR DISMISSAL FOR PROSECUTORIAL
MISCONDUCT, SEVERANCE, AND FOR A BILL OF PARTICULARS**

Moving Parties:	Defendants Joseph Gerardi and Steven Aiello.
Directed To:	The Government.
Date and Time:	To be scheduled by the Court.
Place:	Before the Honorable Valerie E. Caproni, United States District Judge, United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007
Supporting Papers:	Declaration of Milton L. Williams, dated May 19, 2017, and exhibits annexed thereto; Joint Memorandum of Law dated May 19, 2017.
Reply Papers:	Defendants intend to reply.
Relief Requested:	Issuance of an Order by the Court directing that:


- (1) Court dismiss charging instrument for prosecutorial misconduct and pre-indictment prejudice.
- (2) Government file a Bill of Particulars.
- (3) Severance of the case against Defendants Gerardi and Aiello (Counts One, Two, Three, Ten, Fourteen, and Fifteen) from case against Defendants Kelly, Ciminelli, Schuler, and Laipple.
- (4) Court strike extraneous matter or surplusage from charging instrument.

Grounds for Relief: Fed. R. Crim. P. 7(f); Fed. R. Crim. P. 8; Fed. R. Crim. P. 14; Fed. R. Crim. P. 7(d); this Court's supervisory power, and federal decisions as set out in Defendants' Joint Memorandum of Law.

Oral Argument: Requested, at the earliest date and time available to the Court.

Dated: New York, New York
May 19, 2017

WALDEN MACHT & HARAN LLP

By 
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